

AMENDED IN SENATE MAY 27, 2005  
AMENDED IN SENATE APRIL 20, 2005  
AMENDED IN SENATE MARCH 30, 2005

**SENATE BILL**

**No. 267**

**Introduced by Senator Romero**

February 15, 2005

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An act to amend Sections 1797.198 and 1797.199 of the Health and Safety Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

SB 267, as amended, Romero. Emergency medical services: Trauma Care Fund.

Existing law, the Emergency Medical Services System and Prehospital Emergency Medical Care Personnel Act (EMS act), establishes the Emergency Medical Services Authority within the California Health and Human Services Agency to, among other things, provide statewide coordination of county EMS programs, and to administer the Trauma Care Fund.

~~This bill would declare that state and local government agencies have a duty to ensure the viability of police, sheriff and fire departments, local emergency services agencies and systems, and providers of trauma care.~~

Existing law establishes the Trauma Care Fund within the State Treasury and continuously appropriates the fund to the authority for distribution to local EMS agencies. Existing law requires local EMS agencies that receive funding to distribute those funds to eligible trauma centers and authorizes the local EMS agencies to utilize a grant-based system, a reimbursement-based system, or other appropriate methodology to do so. Existing law requires local EMS

agencies to determine the distribution amounts for each trauma center and requires minimum distributions for certain trauma centers to assist those centers in ensuring their viability.

This bill would repeal all minimum distribution requirements, require local EMS agencies to utilize a competitive grant-based system for allocating the funds, and require local EMS agencies to determine distribution of funds based on new criteria.

By requiring that local entities comply with these requirements, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. ~~The Legislature finds and declares that state and~~  
2 ~~local government agencies have a duty to ensure the viability of~~  
3 *encourages state and local government agencies, to the extent*  
4 *that funds are available, to fully fund* such essential public  
5 services as police, sheriff, and fire departments, local emergency  
6 medical services agencies and systems, and providers of trauma  
7 care, and to maintain public access to those services.

8     SEC. 2. Section 1797.198 of the Health and Safety Code is  
9 amended to read:

10    1797.198. The Legislature finds and declares all of the  
11 following:

12    (a) Trauma care is an essential public service. It is as vital to  
13 the safety of the public as the services provided by law  
14 enforcement and fire departments. In communities with access to  
15 trauma centers, mortality and morbidity rates from traumatic  
16 injuries are significantly reduced. For the same reasons that each  
17 community in California needs timely access to the services of

1 skilled police, paramedics, and fire personnel, each community  
2 needs access to the services provided by certified trauma centers.

3 (b) Trauma centers save lives by providing immediate  
4 coordination of highly specialized care for the most  
5 life-threatening injuries.

6 (c) Trauma centers save lives, and also save money, because  
7 access to trauma care can mean the difference between full  
8 recovery from a traumatic injury, and serious disability  
9 necessitating expensive long-term care.

10 (d) Trauma centers do their job most effectively as part of a  
11 system that includes a local plan with a means of immediately  
12 identifying trauma cases and transporting those patients to the  
13 nearest trauma center.

14 (e) It is essential for persons in need of trauma care to receive  
15 that care within the 60-minute period immediately following  
16 injury. It is during this period, referred to as the “golden hour,”  
17 when the potential for survival is greatest, and the need for  
18 treatment for shock or injury is most critical.

19 (f) It is the intent of the Legislature in enacting this act to  
20 promote access to trauma care by ensuring the availability of  
21 services through EMS agency-designated trauma centers.

22 SEC. 3. Section 1797.199 of the Health and Safety Code is  
23 amended to read:

24 1797.199. (a) There is hereby created in the State Treasury,  
25 the Trauma Care Fund, which, notwithstanding Section 13340 of  
26 the Government Code, is hereby continuously appropriated  
27 without regard to fiscal years to the authority for the purposes  
28 specified in subdivision (c).

29 (b) The fund shall contain any moneys deposited in the fund  
30 pursuant to appropriation by the Legislature or from any other  
31 source, as well as, notwithstanding Section 16305.7 of the  
32 Government Code, any interest and dividends earned on moneys  
33 in the fund.

34 (c) Moneys in the fund shall be expended by the authority to  
35 provide for allocations to local EMS agencies, for distribution to  
36 local EMS agency-designated trauma centers provided for by this  
37 chapter.

38 (d) Within 30 days of the effective date of the enactment of an  
39 appropriation for purposes of implementing this chapter, the  
40 authority shall request all local EMS agencies with an approved

1 trauma plan, that includes at least one designated trauma center,  
2 to submit within 45 days of the request the total number of  
3 trauma patients and the number of trauma patients at each facility  
4 that were reported to the local trauma registry for the most recent  
5 fiscal year for which data are available, pursuant to Section  
6 100257 of Title 22 of the California Code of Regulations.  
7 However, the local EMS agency's report shall not include any  
8 registry entry that is in reference to a patient who is discharged  
9 from the trauma center's emergency department without being  
10 admitted to the hospital unless the nonadmission is due to the  
11 patient's death or transfer to another facility. Any local EMS  
12 agency that fails to provide these data shall not receive funding  
13 pursuant to this section.

14 (e) Except as provided in subdivision (m), the authority shall  
15 distribute all funds to local EMS agencies with an approved  
16 trauma plan that includes at least one designated trauma center in  
17 the local EMS agency's jurisdiction as of July 1 of the fiscal year  
18 in which funds are to be distributed.

19 (1) The amount provided to each local EMS agency shall be in  
20 the same proportion as the total number of trauma patients  
21 reported to the local trauma registry for each local EMS agency's  
22 area of jurisdiction compared to the total number of all trauma  
23 patients statewide as reported under subdivision (d).

24 (2) The authority shall send a contract to each local EMS  
25 agency that is to receive funds within 30 days of receiving the  
26 required data and shall distribute the funds to a local EMS  
27 agency within 30 days of receiving a signed contract and invoice  
28 from the agency.

29 (f) Local EMS agencies that receive funding under this chapter  
30 shall distribute all those funds to eligible trauma centers, except  
31 that an agency may expend ~~1 percent~~ *necessary funds* for  
32 administration. It is the intent of the Legislature that the funds  
33 distributed to eligible trauma centers be spent on trauma services.  
34 The funds shall not be used to supplant existing funds designated  
35 for trauma services or for training ordinarily provided by the  
36 trauma hospital. The local EMS agency shall utilize a  
37 competitive grant-based system. All grant proposals shall  
38 demonstrate that funding is needed because the trauma center  
39 cares for a high percentage of uninsured patients. Local EMS

1 agencies shall determine distribution of funds based on whether  
2 the grant proposal satisfies one or more of the following criteria:

3 (1) The preservation or restoration of specialty physician and  
4 surgeon oncall coverage that is demonstrated to be essential for  
5 trauma services within a specified hospital.

6 (2) The acquisition of equipment that is demonstrated to be  
7 essential for trauma services within a specified hospital.

8 (3) The creation of overflow or surge capacity to allow a  
9 trauma hospital to respond to mass casualties resulting from an  
10 act of terrorism or natural disaster.

11 (4) The coordination or payment of emergency,  
12 nonemergency, and critical care ambulance transportation that  
13 would allow for the time-urgent movement or transfer of  
14 critically injured patients to trauma centers outside of the  
15 originating region so that specialty services or a higher level of  
16 care may be provided as necessary without undue delay.

17 (g) A trauma center shall be eligible for funding under this  
18 section if it is designated as a trauma center by a local EMS  
19 agency pursuant to Section 1798.165 and complies with the  
20 requirements of this section. Both public and private hospitals  
21 designated as trauma centers shall be eligible for funding.

22 (h) A trauma center that receives funding under this section  
23 shall agree to remain a trauma center through June 30 of the  
24 fiscal year in which it receives funding. If the trauma center  
25 ceases functioning as a trauma center, it shall pay back to the  
26 local EMS agency a pro rata portion of the funding that has been  
27 received. If there are one or more trauma centers remaining in the  
28 local EMS agency's service area, the local EMS agency shall  
29 distribute the funds among the other trauma centers. If there is no  
30 other trauma center within the local EMS agency's service area,  
31 the local EMS agency shall return the moneys to the authority.

32 (A) The application shall state the reason for the request and  
33 shall include supporting data.

34 (B) The authority shall consider all applications submitted  
35 pursuant to this paragraph and received by February 1 of the  
36 fiscal year.

37 (C) Based on the application and its supporting information,  
38 the authority shall determine the amount, if any, that the local  
39 agency should receive in addition to the amounts specified in

1 subdivision (e) and shall allocate an appropriate amount of the  
2 reserve in accordance with its determination.

3  
4 (i) In order to receive funds pursuant to this section, an eligible  
5 trauma center shall submit, pursuant to a contract between the  
6 trauma center and the local EMS agency, relevant and pertinent  
7 data requested by the local EMS agency. A trauma center shall  
8 demonstrate that it is appropriately submitting data to the local  
9 EMS agency's trauma registry and a local EMS agency shall  
10 audit the data annually within two years of a distribution from the  
11 local EMS agency to a trauma center. Any trauma center  
12 receiving funding pursuant to this section shall report to the local  
13 EMS agency how the funds were used to support trauma  
14 services.

15 (j) It is the intent of the Legislature that all moneys  
16 appropriated to the fund be distributed to local EMS agencies  
17 during the same year the moneys are appropriated. To the extent  
18 that any moneys are not distributed by the authority during the  
19 fiscal year in which the moneys are appropriated, the moneys  
20 shall remain in the fund and be eligible for distribution pursuant  
21 to this section during subsequent fiscal years.

22 (k) By October 31, 2002, the authority shall develop criteria  
23 for the standardized reporting of trauma patients to local trauma  
24 registries. The authority shall seek input from local EMS  
25 agencies to develop the criteria. All local EMS agencies shall  
26 utilize the trauma patient criteria for reporting trauma patients to  
27 local trauma registries by July 1, 2003.

28 (l) By December 31 of the fiscal year following any fiscal year  
29 in which funds are distributed pursuant to this section, a local  
30 EMS agency that has received funds from the authority pursuant  
31 to this chapter shall provide a report to the authority that details  
32 the amount of funds distributed to each trauma center, the  
33 amount of any balance remaining, and the amount of any claims  
34 pending, if any, and describes how the respective centers used  
35 the funds to support trauma services. The report shall also  
36 describe the local EMS agency's mechanism for distributing the  
37 funds to trauma centers, a description of their audit process and  
38 criteria, and a summary of the most recent audit results.

39 (m) The authority may retain from any appropriation to the  
40 fund an amount sufficient to implement this section, up to two

1 hundred eighty thousand dollars (\$280,000). This amount may be  
2 adjusted to reflect any increases provided for wages or operating  
3 expenses as part of the authority's budget process.

4 SEC. 4. If the Commission on State Mandates determines that  
5 this act contains costs mandated by the state, reimbursement to  
6 local agencies and school districts for those costs shall be made  
7 pursuant to Part 7 (commencing with Section 17500) of Division  
8 4 of Title 2 of the Government Code.

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